(10) Rigorous enforcement of the rules relating to the service of processes was necessary, as the process-servers did their work in a very perfunctory manner.

(11) The selection of commissioners must be made from among the members of the Bar in each court.

(12) A property-war register should be ordered to be maintained in the Sub-Registrars' Offices showing all the transactions relating to each property. Government officers should themselves check the encumbrances on each property and sign the *Villanga* certificates in token of their accuracy.

(13) The practice of granting *mozal* to judgment-debtors as obtaining at present was not to the advantage of the debtor or the creditor. They might be ordered to be let off on their own *kychits* as in the criminal courts.

(14) Separate petitions were insisted on in respect of copies of the several depositions in the same case. The levy of one petition fee should be sufficient in respect of all the depositions in a single case.

(15) Complaints of irregularities on the part of judicial officers brought to notice either by newspapers or otherwise should be promptly enquired into and the delinquents punished. The High Court should inspect each court at least once a year and check the irregularities, if any.

Dewan's reply.—The representation of the Member will be referred to the High Court for an expression of their views.

47. Suggestions regarding the administration of Civil Justice with special reference to the abolition of the Central Nazirat System.

Mr. R. Raman Pillai (Member, Quilon taluk) spoke of the difficulties experienced by the people and the officers of the Judicial Department on account of the Central Nazirat System. As a result of various representations and much correspondence on the subject, the Government passed orders in October 1914 to abolish the system, but effect had not been given to them, probably for want of funds. The present staff of amins and peons attached to the Nazirat could be distributed in some proportion among the courts at the station. The Head Clerk of the District Court, who had no work, could attend to the Nazir's duties also. The Assistant Nazir of the Principal Munsiff's Court could be made a clerk in the Additional Munsiff's Court and a clerk from the latter court appointed as Nazir of that Court. The Nazir of the Principal Court could continue as such. The above proposals would involve no additional cost. Speaking for the Quilon District, he said that there were at present 18 amins and 62 peons, and according to him, 7 amins and 22 peons should be allowed to the District Court, 6 amins and 22 peons to the Principal Court and 5 amins and 18 peons to the Additional Court. He represented that the scheme might be tried tentatively in the Quilon District Court, if it could not be introduced throughout the State. He then pressed the following points for the consideration of Government:—

(*a*) There was a good deal of delay in regard to the transfer of connected cases from the Principal to the Additional Munsiff's Court and *vice versa* at the same station on account of the rule that the sanction of the High Court was necessary for the transfer. It was desirable that, in regard to such cases, the courts themselves should have the power of transferring them, provided both the parties agreed to the transfer.

(*b*) Day after day, reports of escape of judgment-debtors from custody while under *mozal* were being made. In such cases, the courts simply ordered the peon concerned to prosecute the offender, but very few cases ended in conviction. In most instances, the alleged escape was the result of collusion of the peon with the judgment-debtor, and the decree-holder was in consequence subjected to great inconvenience and loss. It was necessary that the courts themselves should have the power to investigate the complaints and punish the offenders.

(*c*) According to the existing practice, attachment of immovable properties before judgment was not allowed in small cause suits. That worked hardship on the creditors. As soon as the suit was filed, the defendant alienated his properties

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and the plaintiff could not recover his decree amount. It was, therefore, desirable that, in cases where it was proved that the defendant did not possess movable properties, *interim* attachment of immovable properties should be allowed in respect of small cause suits also, as in ordinary suits.

(*d*) Whenever any immovable property was attached or sold through a civil court, a copy of the attachment order or proclamation of sale was usually posted in the taluk office, but there was no register to record such proceedings, like the register of encumbrances in the Sub-Registry offices. Hence, to safeguard the interests of the public, a property-war register should be ordered to be kept in each taluk containing the information.

(*e*) Simultaneous execution of decrees in all the Munsiffs' Courts in a District should be permitted, on the condition that the decree amount, if realised in any other court, should be drawn only through the court which passed the decree. Such an arrangement was necessary to prevent the defendants evading warrants by going out of the jurisdiction of the court in which execution proceedings were, at the time, being taken.

(*f*) Copies of *chittas* were required to be stamped both in the taluk offices and in the civil courts. The payment of stamp duty at the taluk office should be stopped. Copies of *chittas* should be required to be prepared in the taluk offices on stamped copying sheets instead of getting paper and fees from the applicants.

(*g*) Refunds of process fee, etc., not exceeding rupees five in amount should be ordered to be made in cash by the courts themselves instead of by cheques as at present.

(*h*) In the matter of civil suits, if the judgment allowed costs, it was taken to include vakils' fees also, but the same was not the case in small cause suits. In the case of the latter, unless the judgment made specific mention of vakils' fees, they were not taken into account. The distinction should be removed, and it should be ruled that costs should include vakils' fees in both kinds of suits.

(*i*) With the issue of the High Court Circular which came into effect from the 1st Thulam 1093, parties experienced great difficulty in getting debtors arrested in execution of decrees. The Head Clerk was now responsible for everything. The application for arrest had to pass through several hands in the court and the matter became public before there was any chance of the debtor being apprehended. The old arrangement under which the Nazir attended to such warrants should, therefore, be revived.

(*j*) Two or three Panchayat courts should be opened in each taluk.

(*k*) The High Court should inspect all the lower courts at least once in two years.

(*l*) There were no laws in the statute book of the State regarding evidence, contract and transfer of property. It was necessary that steps should be taken to legislate for the purpose.

Dewan's reply.—The representation of the Member will be referred to the High Court.

48. Need for the appointment of an additional Munsiff in the Kottarakara Munsiff's Court.

Mr. C. P. Kochukunju Pillai (Member, Kottarakara taluk) said that during the last three or four years the arrears in the Kottarakara Munsiff's Court had been steadily increasing. The number of cases at the end of Makaram 1094 was 1,507. At present there were on the file 725 original suits and 900 small cause suits. Those represented only one-half of the annual file. The arrears at the end of the year would be about 1,500 cases. The volume of work indicated above was too much for a single Munsiff. Even now, several cases of 1090 were pending. The High Court had enjoined that no arrears should be left in small cause suits; and so, much of the time of the Court was being taken up with small cause suits. The next important item of work was disposal of cases of 1090 which was followed by other items of a miscellaneous nature, with the result that cases of 1091, 1092, 1093 and 1094 posted

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